



Jerry Luna, Chairperson
Raul Casa, Vice Chair
Marisa Llamas, Commissioner
Freddy Espinoza, Commissioner
Armando Hinojosa, Commissioner

**Farmersville Planning Commissioner
Regular Meeting**

Wednesday, September 15, 2021 6:00 PM
Meeting held in Civic Center Council Chambers
– 909 W. Visalia Road Farmersville, California

**Pursuant to Governor Newsom's Executive Order N-25-20,
the City of Farmersville will be allowing the public, staff, and City
Council to attend this meeting via teleconference.
Please dial 559-827-4929**

- 1. Call to Order:**
- 2. Roll Call:**
- 3. Pledge of Allegiance:**
- 4. Public Comment:**

This portion of the agenda is reserved for persons wishing to address the Planning Commission on any matter that is not listed for review on the agenda. Individuals must give their name and address and limit their comments to three minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairpersons and not to individual Commissioners or staff.

5. Approval of Minutes

A. Minutes of Regular Planning Commission Meeting on August 18, 2021

Recommend approval of minutes.

Documents: Draft Action Minutes of August 18, 2021

6. Public Hearings:

A. Conditional Use Permit 2021-01 (Tha Cloud Smokeshop). A request for approval of a smokeshop at 444 W. Noble Avenue.

Recommend that the Planning Commission approve Resolution 2021-05.

7. Other Business

B. Zoning Ordinance Update and Downtown Specific Plan workshop.

8. Commissioner Comments:

9. City Planner Comments

10. Adjournment:

Next Planning Commission Meeting: October 20, 2021

Next Council Meetings: September 27, October 11 and 25

Next Resolution 2021-06

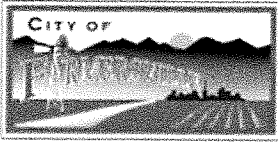
NOTICE TO PUBLIC

The City of Farmersville Civic Center and City Council Chambers comply with the provisions of the Americans with Disabilities Act (ADA). Anyone needing special assistance please contact City Hall at (559) 747-0458 please allow at least six (6) hours prior to the meeting so that staff may make arrangements to accommodate you.

Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City's offices during normal business hours.

Public Notification- Agenda posted 72 hours prior to meeting date

Strong Roots.....Growing Possibilities



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the City of Farmersville will be allowing the public, staff, and City
Council to attend this meeting via teleconference.
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1. **Call to Order:** 6:00 pm
2. **Roll Call:** Luna, Casa, Llamas, Espinoza, Hinojosa
3. **Pledge of Allegiance:** Chairperson Luna
4. **Public Comment:** none given

This portion of the agenda is reserved for persons wishing to address the Planning Commission on any matter that is not listed for review on the agenda. Individuals must give their name and address and limit their comments to three minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairpersons and not to individual Commissioners or staff.

5. **Approval of Minutes**

A. **Minutes of Regular Planning Commission Meeting on July 21, 2021**

Recommend approval of minutes.

Documents: Draft Action Minutes of July 21, 2021.

Motion to Approve as presented

Results: Approve
Mover: Commissioner Casa
Seconder: Commissioner Hinojosa
Ayes: Luna, Casa, Llamas, Espinoza, Hinojosa
Noes: 0
Abstain: 0
Absent: 0

6. General Business:

One-Year Time Extension for Conditional Use Permit 2019-05 (Lowry). A request to grant a one-year time extension for Conditional Use Permit 2019-05. Resolution 2021-04.

Charles Woody spoke about updates for Platinum Connection

Motion to Approve as presented.

Results: Approve Mover: Commissioner Llamas Seconder: Commissioner Hinojosa Ayes: Luna, Casa, Llamas, Hinojosa Noes: Espinoza Abstain: 0

B. Zoning Ordinance Update and Downtown Specific Plan workshop.

Tristian from Karl Schoettler office gave presentation and answered questions.

7. Commissioner Comments: *None Given*

8. City Planner Comments: *None Given*

9. Adjournment:

Chairperson Luna adjourned meeting at 6:52pm

Next Planning Commission Meeting: June 16, 2021

Next Council Meeting: May 24, June 14 & 28, 2021

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STAFF REPORT

FARMERSVILLE PLANNING COMMISSION

Date: September 15, 2021
To: Farmersville Planning Commission
From: Karl Schoettler, Planning Consultant
Subject: Conditional Use Permit 2021-01 (Tha Cloud Smokeshop)

Summary/Recommendation

The applicant is requesting a Conditional Use Permit to operate a store that sells tobacco products, clothing, gifts and accessories at 444 W. Noble Avenue, adjacent to Highway 198. Stores that sell tobacco and tobacco-related merchandise as a primary item are required to apply for a Conditional Use Permit. It is recommended that the Planning Commission conduct a public hearing and vote to approve the request, subject to conditions of approval by adopting Resolution 2021-05.

Analysis

The applicant is seeking approval to establish a store that sells tobacco products along with gifts, clothing and accessories, in a retail space within an existing commercial building located in the commercial center along the north side of Noble Avenue, west of Farmersville Boulevard (west of the Highway 198 interchange). Map 1 shows the site location while Map 2 is an aerial photo.

The site is zoned CS (Service Commercial) and tobacco shops are permitted in this zone, subject to a Conditional Use Permit. According to the applicant's submittal the store would be open seven days a week from 10:00 am to 11:00 pm. One to two persons would staff the store, depending on time of day. The store contains approximately 1,300 square feet. The applicant has provided a proposed floor plan shown in Figure 1.

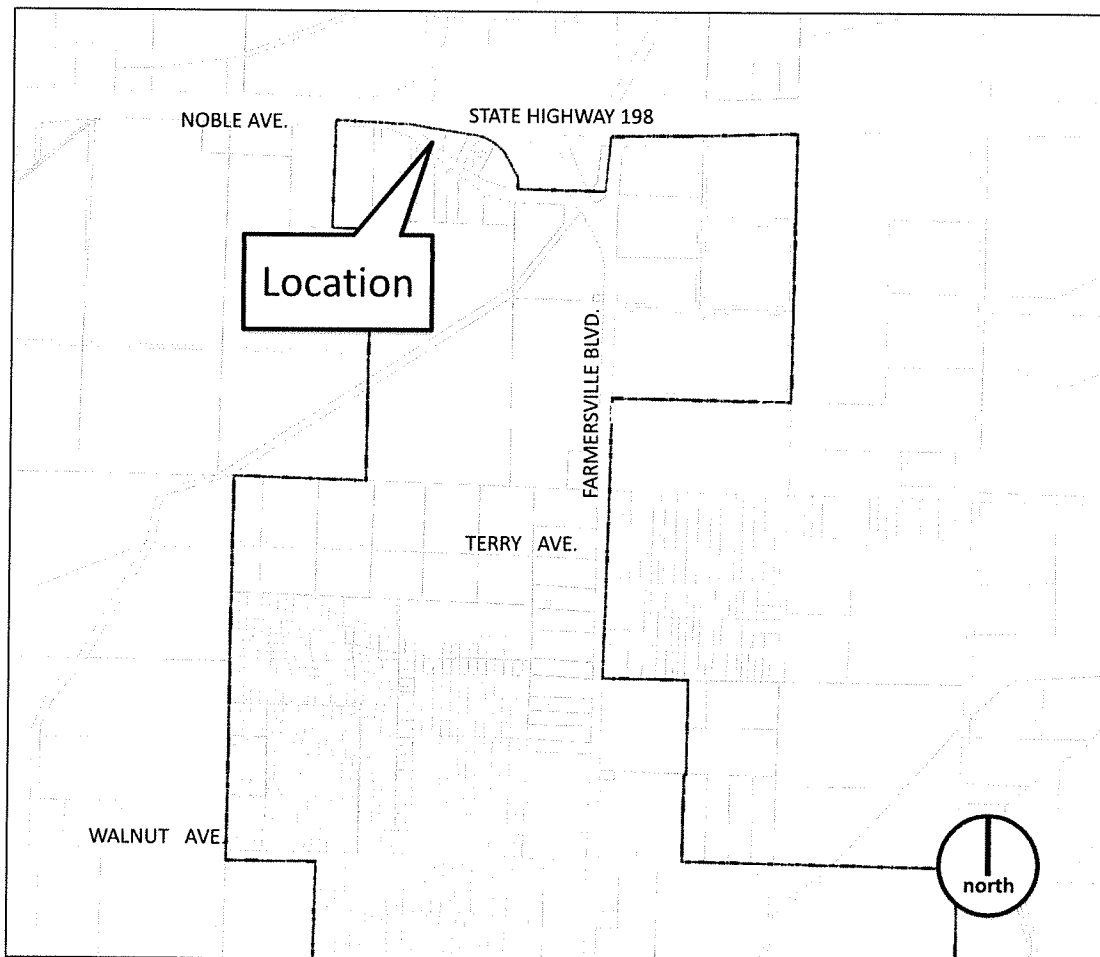
The City's main concern with tobacco sales is that they do not negatively affect the surrounding area or the community at large, or promote the use of illegal substances.

From a location perspective this site is considered better than other proposals the City has had for sites along Farmersville Boulevard, especially in the downtown area. This location is a long distance from residential areas of the community, as well as schools and parks. It is unlikely that most community members would walk to this location.

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The City cannot prohibit the sales of legal materials (all manner of tobacco, and smoking devices like water pipes, vaporizers, electronic cigarettes, cigarette rolling papers and the like). The City can require these items be kept behind the counter to reduce the chance of shoplifting and attraction to minors – and a condition is included in the resolution pertaining to this. In fact, for other tobacco shops, the Planning Commission has required that minors (those under 18) not be allowed into the store unless accompanied by an adult. To further reduce the potential for minors making purchases the applicant will be utilizing “Point Of Sale” software linked with government data used to verify ID authenticity.

Map 1: Location



Map 2: Aerial Photo

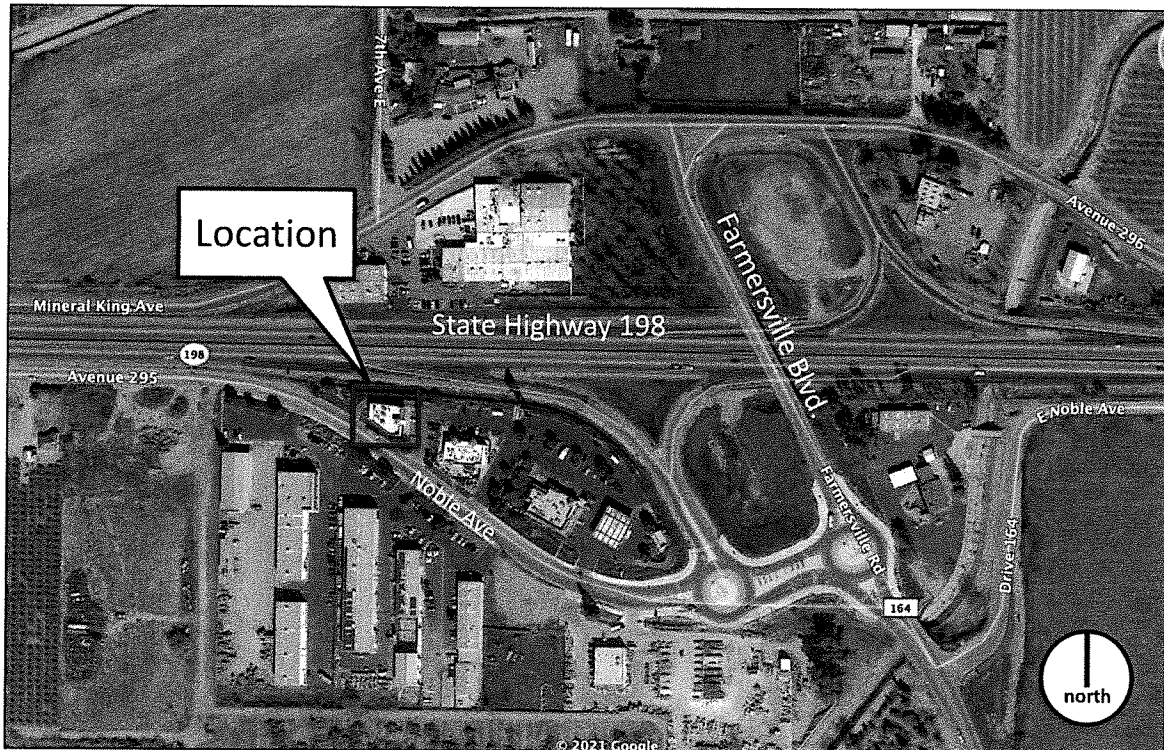
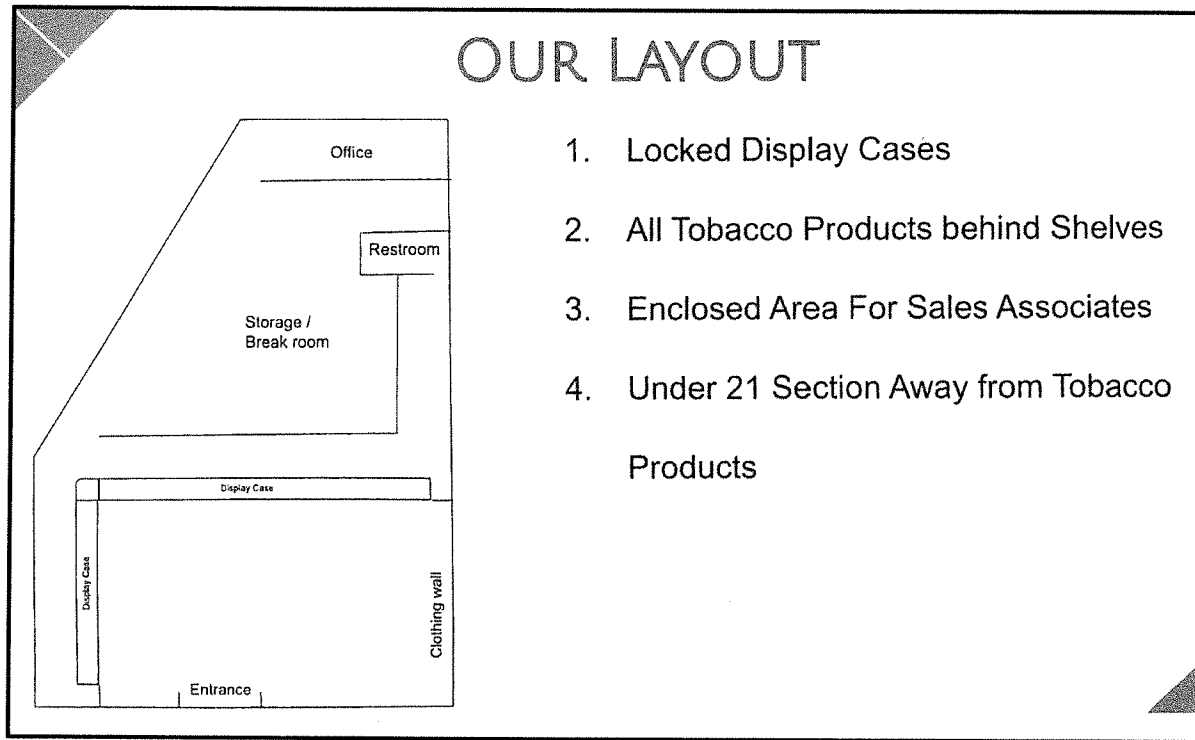


Figure 1: Proposed Floor Plan



The Police Department has reviewed the application. Their main concern (as with other previous smoke shops) is that the store not carry illegal merchandise and also that they not have a negative impact on children who visit other stores in the area. To address these concerns, it is recommended the following conditions be required:

1. Minors (persons younger than 18 years) shall not be permitted into the store unless accompanied by an adult.
2. Tobacco products (and materials designed to be used with tobacco products) shall be kept behind the counter or otherwise in a location where they must be retrieved by an employee for view by customers.
3. The applicant shall submit a floor plan of the proposed store that shows proposed layout and product display areas and fixtures, prior to granting of a business license.
4. There shall be no display of products outside the store. Window signs or displays affixed to the window shall cover/occupy no more than 25% of the window surface.
5. The store shall include signs stipulating that smoking devices are to be used for tobacco products only.
6. The applicant shall prohibit loitering around the exterior of the store.

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7. Prior to opening the applicant shall request an inspection of the store by the Farmersville Police Department.
8. The store shall be subject to periodic inspection by the Farmersville Police Department. If the store is found to be in violation of any conditions of approval, or of local, state or federal laws concerning controlled substances, this shall be grounds for termination of the Conditional Use Permit.

With the store being located away from residential areas of the City and being subject to the conditions above (including periodic inspections by the Police Department) staff recommends approval of the Conditional Use Permit.

BACKGROUND INFORMATION

Applicant: Tha Cloud Factory
444 W. Noble Avenue
Farmersville, CA 93223

Property
Owner: Cotti Foods Corporation
29801 Santa Margarita Parkway
Rancho Santa Margarita, CA 92688

Location: The subject site is an existing commercial building on the north side of Noble Avenue, west of Farmersville Boulevard. The Assessor Parcel Number is 128-250-022.

Request: The applicant is requesting approval for a Conditional Use Permit to operate a store that sells tobacco products, gifts, clothing and accessories. Specific products to be sold, as identified by the applicant include:

- CBD products
- cigarettes
- cigars
- bagged tobacco
- chewing tobacco
- hookah tobacco
- rolling paper
- posters/frames
- clothing
- body jewelry
- tobacco accessories
- water pipes

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- tobacco pipes
- butane
- vaporizers
- electronic cigarettes
- e-juice
- water pipe accessories/attachments

Site: The site is within an existing retail building in an existing shopping center along Noble Avenue that includes several fast food restaurants and a gas station. The space contains approximately 1,300 square feet.

Surrounding land uses are as follows:

- North: Fast food restaurant
- South: Service commercial business complex
- East: Fast food restaurants and service station
- West: Noble Avenue and commercial business complex

Zone: The site is currently zoned CS (Service Commercial). This zone is intended for a variety of commercial service and retail uses.

Surrounding zone classifications are as follows:

- North: Tulare County zoning: (M-2 (SC) (Heavy Industrial (Scenic Corridor)), AE-20 (Exclusive Agriculture)
- South: CS (Service Commercial)
- West: street right-of-way
- East: CS (Service Commercial)

General Plan: The site is designated "Service Commercial" by the Land Use Element of the 2025 Farmersville General Plan. The CS zone is consistent with this designation.

Access: Access to the site is primarily provided by Noble Avenue. This street is classified as an "Collector" roadway and in the vicinity of the site features one travel lane in each direction, along with curbs, gutters and sidewalks. The site has a parking lot with driveways onto Noble and cross-access to adjacent parking lots that serve the other fast food restaurants and service station.

Infrastructure: The site is currently served with City water, sewer and storm drainage lines.

Services: Police and fire protection are provided by the City of Farmersville.

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Environmental: The project is considered to be exempt from review for environmental impacts under the California Environmental Quality Act (CEQA) – Section 15301 (a) (Re-use of existing buildings with minimal changes).

RESOLUTION 2021-05

**BEFORE THE PLANNING COMMISSION
CITY OF FARMERSVILLE
COUNTY OF TULARE, STATE OF CALIFORNIA**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
FARMERSVILLE APPROVING CONDITIONAL USE PERMIT 2021-01 (THA CLOUD
SMOKESHOP) FOR THE ESTABLISHMENT OF A RETAIL TOBACCO/SMOKE
SHOP.**

WHEREAS, a Conditional Use Permit was requested to establish a retail store selling tobacco, tobacco products and other merchandise in an existing commercial building located at 444 W. Noble Avenue. The Assessor Parcel Number is 128-250-022, and

WHEREAS, the proposed store will operate from 10 am to 11 pm, seven days per week, and

WHEREAS, property owners within 300 feet of the subject site were notified of the meeting and a public hearing notice was published ten (10) days prior to the Planning Commission's meeting, and

WHEREAS, the Planning Department has prepared a staff report and environmental finding, and

WHEREAS, it has been determined that the project is categorically exempt from review under the California Environmental Quality Act, and

WHEREAS, the Planning Commission held a public hearing on this Conditional Use Permit and accepted testimony.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this request:

1. The project is consistent with the Farmersville General Plan, Land Use Element and the Farmersville Zoning Ordinance.
2. The project will not have a significant impact on the environment and is categorically exempt under Section 15301(a) of the Guidelines of the California Environmental Quality Act.

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3. The project will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.

NOW, THEREFORE BE IT RESOLVED THAT Conditional Use Permit 2021-01 is approved subject to the following conditions:

1. Prior to opening for business the applicant shall contact the Farmersville Police Department to request an inspection by the Department.
2. Minors (persons younger than 18 years) shall not be permitted into the store unless accompanied by an adult.
3. Tobacco products (and materials designed to be used with tobacco products) shall be kept behind the counter or otherwise in a location where they must be retrieved by an employee for view by customers.
4. The applicant shall submit a floor plan of the proposed store that shows proposed layout and product display areas and fixtures, prior to granting of a business license.
5. The store shall include signs stipulating that smoking devices are to be used for tobacco products only.
6. The applicant shall prohibit loitering around the exterior of the store.
7. The store shall be subject to periodic inspection by the Farmersville Police Department. If the store is found to be in violation of any conditions of approval, or of local, state or federal laws concerning controlled substances, this shall be grounds for termination of the Conditional Use Permit.
8. There shall be no display of products outside the store. Window signs or displays affixed to the windows shall cover/occupy no more than 25% of the window surface.
9. Prior to design, fabrication and installation of an exterior wall sign, the applicant shall apply for a sign permit. Any such signage must comply with standards for size and placement contained within the Farmersville Sign Ordinance (Farmersville Municipal Code Chapter 17.84) and the City's Sign Design Guidelines. The business shall install a permanent sign within 60 days of starting business. A banner (or similar temporary signage) may be used temporarily but is not allowed as the permanent sign for the business.
10. Significant change of operations or expansion of the use shall require a modification of the Conditional Use Permit and a public hearing before the Planning Commission.

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Resolution 2021-05
Conditional Use Permit 2021-01 (Tha Cloud Smokeshop)

11. The proposed use shall be established within one year of the Planning Commission's approval, or the permit shall become null and void. A one-year extension of the approval may be requested in writing.

The foregoing resolution was adopted upon a motion of Commissioner _____, second by Commissioner _____, at a regular meeting of the Farmersville Planning Commission on the 15th of September, 2021, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson, Farmersville Planning Commission

Secretary, Farmersville Planning Commission

STAFF REPORT
FARMERSVILLE PLANNING COMMISSION

Date: September 15, 2021
To: Farmersville Planning Commission
From: Karl Schoettler, Planning Consultant
Subject: Workshop on Downtown Specific Plan and Zoning Ordinance Update

Analysis

Staff will be presenting additional information on the Zoning Ordinance Update and the downtown Specific Plan, including:

Zoning Ordinance Update

- Standards for commercial zones
- Permitted uses in commercial zones

Downtown Specific Plan

- Additional information on existing conditions
- Overview of the existing CC zone (Central Commercial) standards
- Goal setting